

ENTERED

June 22, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

SANTOS CARRILLO-MONTOYA

Petitioner

VS.

UNITED STATES OF AMERICA

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§

CIVIL ACTION NO. 1:20-CV-57

ORDER ADOPTING REPORT AND RECOMMENDATION

On April 28, 2020, the United States Magistrate Judge filed a Report and Recommendation (Doc. 4) recommending that Plaintiff Santos Carrillo-Montoya's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (Doc. 1) be denied. No party filed objections to the Report and Recommendation.

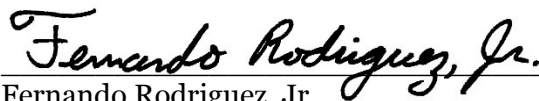
After considering the Report and Recommendation and the applicable law, the Court **ADOPTS** the Report and Recommendation. Accordingly, it is:

ORDERED that Plaintiff Santos Carrillo-Montoya's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (Doc. 1) is **DENIED**.

In addition, after reviewing Carrillo-Montoya's Motion and the applicable law, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Carrillo-Montoya fails to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

The Clerk of Court is directed to close this matter.

SIGNED this 22nd day of June, 2020.



Fernando Rodriguez, Jr.
United States District Judge